

United States District Court**for****Southern District of Ohio****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **Shane Gaskins** Case Number: **CR-1-00-041-01**
7239 Val Court
Burlington, Kentucky 41005

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott**
United States District Judge

Date of Original Sentence: **October 25, 2000**

Original Offense: **Theft of Firearms From a Federal Licensee, a violation of 18 U.S.C. § 922(u), 924(a)(1)(D), and 2, a Class C Felony**

Original Sentence: **30 month(s) imprisonment, 36 month(s) supervised release**

Special Conditions: **1) Participate in substance abuse treatment program either inpatient or outpatient, at the direction of the probation officer, which may include testing**
2) Pay \$100 special assessment
3) Pay restitution in the amount of \$44,147.70 jointly and severally with co-defendants
4) No federal, state, or local crimes
5) No illegal possession of controlled substances

Type of Supervision: **Supervised Release** Date Supervision Commenced: **June 14, 2002**

Assistant U.S. Attorney: **Ralph W. Kohnen, Esq.** Defense Attorney: **Peter W. Swenty, Esq.**

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons
☐ To grant an exception to revocation without a hearing.

The probation officer finds, under penalty of perjury, that probable cause to believe the defendant has violated one or more conditions of supervision exists:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	Mr. Gaskins has allegedly violated the supervised release condition which states: "The supervised releasee shall not commit another federal, state, or local crime". On December 10, 2004, Mr. Gaskins was arrested at the U.S. Probation Office in Cincinnati, Ohio, pursuant to a warrant issued by the Hamilton County Court based on information received from the Hamilton County Sheriff's Department on the charge of Robbery, under Docket Number 04/CRA/47921. According to information received by the undersigned probation officer, on November 20, 2004, Mr. Gaskins was alleged to have inflicted physical harm on a male individual while committing a theft offense. The offender allegedly punched the victim and

knocked him to the ground, and then continued to kick the victim about the head and took about \$320 in United States currency from the male victim's pants pocket. The offender was identified by the victim via a photo lineup. A warrant was issued for the defendant's arrest by the Hamilton County Municipal Court on December 6, 2004. One day after the defendant's December 10, 2004, arrest at the U.S. Probation Office, Mr. Gaskins was released on \$10,000 no ten percent bond from the custody of the Hamilton County Justice Center in Cincinnati, Ohio. No Court date has been set for Mr. Gaskins regarding this charge in the Hamilton County Municipal Court as of this date.

On December 30, 2004, Mr. Gaskins was arrested by the Hamilton County Sheriff's Department, pursuant to a warrant filed with the Hamilton County Municipal Court charging him with Trafficking in Cocaine, under Docket Number 04/CRA/49941. According to information received by the probation officer, on December 3, 2004, the offender sold .14 grams of cocaine powder to an undercover police officer. On January 26, 2005, a one count Indictment was handed down by the Hamilton County Court of Common Pleas in Cincinnati, Ohio charging Mr. Gaskins with Sale of Cocaine, under Docket Number B0500620 in violation of the Ohio Revised Code Section 2925.03(A)(1). On December 30, 2004, Mr. Gaskins was released on \$5,000-10 percent bond. No new Court date has been set for Mr. Gaskins for this charge as of this date.

#2

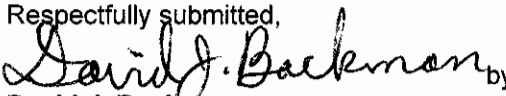
Mr. Gaskins has allegedly violated the supervised release condition which states: "The supervised releasee shall refrain from any excessive use of alcohol, and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or paraphernalia related to such substances except as prescribed by a physician". On November 22, 2004, Mr. Gaskins yielded a urine specimen at the U.S. Probation Office. This specimen was returned positive for cocaine metabolite on November 26, 2004.

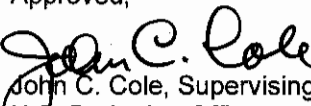
U.S. Probation Officer Recommendation:

Mr. Gaskins has always reported as directed and advised me of any changes in address and employment in a timely manner. Additionally, he was identified by the victim in the Aggravated Robbery case via a photo lineup as opposed to an actual lineup where the defendant was present and directly identified by the victim. Thus, the undersigned probation officer respectfully requests that a summons be issued instead of an arrest warrant.

The term of supervision should be

- ☒ Revoked.
- ☐ Extended for _____ years, for a total term of _____ years.
- ☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
- ☐ The conditions of supervision should be modified as follows:

Respectfully submitted,
by 
David J. Backman
U.S. Probation Officer
Date: **February 8, 2005**

Approved,

John C. Cole, Supervising
U.S. Probation Officer
Date: **2-11-05**

THE COURT ORDERS:

- ☐ No Action
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the issuance of a Warrant for his/her arrest.
☒ The Issuance of a Summons
☒ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


Signature of Judicial Officer

2/24/05
Date